IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 23030 of 2007(N)

OA.216/2004 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

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1. K.C.THOMAS, PROPRIETOR,
   CHAVARA PIPE INDUSTRIES, CHAVARA KALATHIL HOUSE,
   DESOM ROAD, ALUVA.

2. SALLY THOMAS,
   W/O.K.C.THOMAS, CHAVARA KALATHIL HOUSE,
   DESOM ROAD, ALUVA.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:

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1. STATE BANK OF INDIA,
   MAIN BRANCH, RAILWAY STATION ROAD,
   ALUVA REPRESETNED BY ITS MANAGER.

2. KERALA FINANCIAL CORPORATION,
   THIRUVANANTHAPURAM REPRESENTED BY ITS
   DISTRICT MANAGER, KALOOR, KOCHI-17.

3. THE RECOVERY OFFICER, D.R.T.,
   8TH FLOOR, K.H.S.B. BUILDING,
   PANAMPILLY NAGAR, ERNAKULAM.

R2 BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC
R1 BY ADV. SRI.K.K.CHANDRAN PILLAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PROCLAMATION OF SALE DT.13.6.2007 ISSUED BY R3.

P2: TRUE COPY OF SECTION 27 PETITION DT.10.6.2007 IN O.A. NO.216/2004 FILED BEFORE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.23030 of 2007

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Dated this the 4h day of September, 2007.

JUDGMENT

The W.P. is filed challenging recovery proceedings. Since liability is uncontested, this court passed conditional order on 27.7.2007. However, petitioner has not complied with the same. I find no merit in the contentions raised. The W.P. is accordingly dismissed leaving freedom to the respondents to proceed for recovery.

C.N.RAMACHANDRAN NAIR
Judge

pms